

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CR-352-BR
No. 5:14-CV-359-BR

ARTHUR TRACY VICK,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

This matter is before the court on petitioner's 18 August 2014 filing entitled "Suspension or Abeyance of Proceedings." (DE # 79.)

By way of background, on 20 June 2014, petitioner filed a 28 U.S.C. § 2255 motion. (DE # 72.) On initial review of the motion on 23 June 2014, the court recognized that the review could not be completed because petitioner did not state any grounds for relief in his motion nor did he file any memorandum of law in support of his motion (which his motion represented he would do). (DE # 74.) Accordingly, the court directed petitioner to file his memorandum of law within 30 days. (Id.) On 22 July 2014, petitioner filed a motion for extension of time. (DE # 76.) The Clerk granted the motion and allowed petitioner until 25 August 2014 to file his memorandum. (DE # 77.)

With his most recent filing, petitioner appears to be seeking an additional extension of time based on his being transferred to FMC-Butner due to a "medical emergency." (DE # 79.) The court cannot continue this proceeding indefinitely. However, the court will allow petitioner additional time within which to file his memorandum.

Petitioner is hereby ALLOWED until 14 November 2014 to file his memorandum of law stating every ground on which he claims that he is being held in violation of the Constitution,

laws, or treaties of the United States and stating the facts supporting each ground. PETITIONER IS WARNED THAT IF HE FAILS TO TIMELY FILE THE MEMORANDUM, HIS MOTION MAY BE DISMISSED AND JUDGMENT ENTERED AGAINST HIM. The Clerk is DIRECTED to mail petitioner a copy of this order to FMC-Butner.

This 15 September 2014.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt

Senior U.S. District Judge